

Civil Service Commission

Marc Sandstrom, President
A. Y. Casillas, Vice President
Gordon Austin
Barry I. Newman
Francesca Mecia Krauel
Patt Zamary, Executive Officer

DATE: October 26, 2004

TO: Robert Faigin, Esq.

SENDER: Civil Service Commission by: Todd Adams
1600 Pacific Highway, Room 458
San Diego, CA 92101
(619) 531-5751
Fax No.: (619) 685-2422

NUMBER OF PAGES, INCLUDING THIS COVER: 16

SUBJECT:

Cavazos

CONFIDENTIALITY NOTICE:

The documents accompanying this teletype transmission contain confidential information, belonging to the sender, that is legally privileged. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copy, distribution, or action taken in reliance on the content of these documents is strictly prohibited. If you have received this teletype in error, please notify the sender immediately to arrange for return of these documents.

SEPTEMBER 29, 2004**ITEM NO. 7**

1 CIVIL SERVICE COMMISSION

2 COUNTY OF SAN DIEGO

3
4 In the Matter of the Appeal) FINDINGS, CONCLUSIONS
5 of 2004-07 from an Order of) AND RECOMMENDATIONS
6 Termination and Charges from)
the Sheriff's Department)

7 The matter of the appeal of 2004-07, from a written Order
8 of Termination and Charges terminating him from his class and
9 position of Deputy Sheriff-Detentions/Court Services (Class No.
10 5757) in the Sheriff's Department was presented to the Civil
11 Service Commission. The Commission appointed Marc Sandstrom,
12 one of its members, to hear the appeal and submit findings,
13 conclusions, and recommendations to the Civil Service
14 Commission. Thereafter, the matter was duly noticed and came
15 on for hearing on August 13, 2004.

16 The following were present at the hearing: Marc Sandstrom,
17 Hearing Officer; William A. Adams, Esq., assisting the Hearing
18 Officer as Legal Advisor; Ralph Shadwell, Senior Deputy County
19 Counsel (as Legal Advisor on call); 2004-07, Appellant, on his
20 own behalf and as represented by Richard Pinckard, Esq.; and
21 Robert Faigin, Esq. representing the Appointing Authority.

22 The official file of the proceedings shows that the Order
23 of Termination and Charges was dated April 20, 2004, signed by
24 William B. Kolender, Sheriff, and that the causes of discipline
25 were:

26 / / /
27 / / /
28 / / /

1 **CAUSE I**

2 You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule
3 VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy
4 and Procedure **Section 2.48 – Treatment of Persons in Custody**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

7 In doing so, you mistreated and physically abused an inmate in custody. You did
8 not handle this inmate in accordance with law and established Departmental
9 procedures.

10 **CAUSE II**

11 You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule
12 VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy
13 and Procedure **Section 2.49 – Use of Force**, in that: On October 17, 2003, you were
14 assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On
15 that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of
Module 6E. After the combatants were separated and secured, you sprayed inmate
[REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling,
and posed no threat to you or anyone else.

16 In doing so, you used force, which was neither reasonable nor necessary under the
17 circumstances. You did not use force in accordance with law and established
18 departmental procedures.

19 **CAUSE III**

20 You are guilty of negligence which resulted in a significant risk of harm to the
21 public as set forth under Section 7.2 (q) of Rule VII of the Rules of the Civil
Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.50 –**
Use of Lethal/less Lethal Weapons, in that: On October 17, 2003, you were
22 assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On
23 that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of
Module 6E. After the combatants were separated and secured, you sprayed inmate
[REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling,
and posed no threat to you or anyone else.

25 In doing so, you used a less lethal weapon in a careless or imprudent manner. You
26 did not use this weapon in accordance with law and established Departmental
27 procedures.

1 CAUSE IV

2 You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the
3 Rules of the Civil Service Commission as it relates to Sheriff's Policy and
4 Procedure Section 2.41 – Departmental Reports, in that: On October 17, 2003,
5 you were assigned to the 6th Floor Housing Deputy position at the San Diego
6 Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical
7 altercation in cell 10 of Module 6E. After the combatants were separated and
8 secured, you used force on inmate [REDACTED] by spraying him with oleoresin capsicum
9 (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or
10 anyone else. You wrote a Use of Force report, but neglected to document you
sprayed inmate [REDACTED] with O.C. spray while he was handcuffed and kneeling.

11 In doing so, you did not submit all necessary reports on time and in accordance
12 with established Departmental procedures, and omitted pertinent information
13 reasonably expected to be included.

14 CAUSE V

15 You are guilty of dishonesty as set forth under Section 7.2 (d) of Rule VII of the
16 Rules of the Civil Service Commission as it relates to Sheriff's Policy and
17 Procedure Section 2.46 – Truthfulness, in that: On October 17, 2003, you were
18 assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On
19 that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of
20 Module 6E. After the combatants were separated and secured, you sprayed inmate
[REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling,
and posed no threat to you or anyone else. When interviewed by Sergeant
Hernandez of the Sheriff's Internal Affairs Unit regarding this incident, you denied
using O.C. spray on inmate [REDACTED] while he was handcuffed and kneeling.

21 In doing so, you did not answer questions truthfully and to the fullest extent of your
22 knowledge when asked by the Sheriff's designee. Your verbal report was not
23 truthful and complete.

24 CAUSE VI

25 You are guilty of insubordination as set forth under Section 7.2 (c) of Rule VII of
26 the Rules of the Civil Service Commission as it relates to Sheriff's Policy and
27 Procedure Section 2.15 – Insubordination, in that: On October 17, 2003, you were
28 assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On
that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of
Module 6E. Sergeant Clark told you and Deputies Lien and Brown to write a
Crime Report, along with the other necessary reports. You and the other deputies
discussed it amongst yourselves and decided not to write the Crime Report.

In doing so, you willfully refused to obey a reasonable and lawful order given and
understood.

1 **CAUSE VII**

2 You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the
3 Rules of the Civil Service Commission as it relates to Sheriff's Policy and
4 Procedure Section 2.41 – Departmental Reports, in that: On October 17, 2003,
5 you were assigned to the 6th Floor Housing Deputy position at the San Diego
6 Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical
7 altercation in cell 10 of Module 6E. You neglected to document this incident on a
8 Crime Report.

9 In doing so, you did not submit all necessary reports on time and in accordance
10 with established Departmental procedures.

11 **CAUSE VIII**

12 You are guilty of acts, which are incompatible with and/or inimical to the public
13 service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil
14 Service Commission of the County of San Diego. You are guilty of acts, which are
15 incompatible with the San Diego County Sheriff's Department Executive Order and
16 the Mission, Vision, Values and Goals. Your conduct constituting such acts
17 inimical to the public service is that set forth under Causes I through VII above.

18 SYNOPSIS

19 This hearing pertained to an appeal by a Deputy Sheriff-
20 Detentions of an Order of Termination. The Appellant was
21 charged with improper use of force, dishonesty and related
22 misconduct in connection with an incident in the Central Jail
23 facility. At his request, the hearing was closed. The
24 incident involved an altercation between two inmates. The
25 Appellant, accompanied by two other deputies, subdued the
26 altercation. During the altercation, Appellant properly
27 applied pepper spray. However, he was charged with applying
28 the spray again after the altercation. The inmate was
 allegedly handcuffed and on his knees at the time of this
 additional spraying. Appellant denies this charge. The
 primary issue in the appeal was whether or not he sprayed the
 inmate after the altercation. There was conflicting evidence

1 and testimony on this factual issue. Two inmates and one
2 deputy testified that Appellant did spray. However, the deputy
3 did not see the actual spray but based his conclusion on the
4 movement of Appellant, the reaction of the inmate, and other
5 circumstances. On the other hand, two deputies testified that
6 Appellant did not spray. However, one of the deputies left for
7 a short period and the other deputy's observation of the
8 incident was subject to distractions and sight obstructions.
9 The physical evidence was inconclusive. Nevertheless, when all
10 of the evidence was weighed in its totality, this hearing
11 officer determined that Appellant sprayed the inmate when he
12 was restrained and under control. Accordingly, it is hereby
13 recommended that the Order of Termination be sustained.

14 FINDINGS

15 1. Appellant 2004-07, hereinafter referred to as
16 "Employee," was a Deputy Sheriff-Detention assigned to the
17 Central Jail. There is no prior discipline or poor performance
18 in the record before the Commission.

19 2. At the beginning of the Commission hearing, Employee
20 requested that the hearing be closed to the public. He
21 asserted that Penal Code 832.7 afforded him that right. The
22 request was granted.

23 3. During the commission hearing, testimony and evidence
24 was presented about an incident on October 17, 2003 at the
25 Central Jail involving an altercation between two inmates.
26 Testimony indicated that the two inmates were members of rival
27 gangs. A fight between the two erupted when Jail personnel
28 attempted to place one of the inmates in the cell occupied by

1 the other. Employee and two other deputies were assigned to
2 the task. When the altercation erupted, Employee twice applied
3 pepper spray. Shortly thereafter, the deputies successfully
4 gained control of the inmates.

5 4. The foregoing conduct by Employee was deemed
6 appropriate by the Department and was not at issue in this
7 appeal. Rather, Employee is charged with spraying one of the
8 inmates again after he was handcuffed and placed on his knees
9 outside of the cell. It is this alleged conduct that forms the
10 basis for the Order of Termination.

11 5. At the Commission hearing, and throughout the
12 investigation, Employee has completely denied the Department's
13 allegation that he sprayed the restrained inmate. Accordingly,
14 if Employee is guilty of the charge, he has also committed the
15 offense of untruthfulness.

16 6. At the Commission hearing, the Department presented
17 the testimony of the inmate who was allegedly sprayed by
18 Employee. [Appellant Exhibit B] He testified as follows:
19 Employee sprayed him while he was handcuffed and on his knees.
20 He was sprayed when he was complaining. Employee told him to
21 "shut the [expletive omitted] up," and sprayed him in the face.
22 Although his wife reported the incident at the time it
23 happened, he did not file a "Claim" until nearly a year later.
24 [Appellant Exhibit A] The claim alleged \$12,000.00 in damages.
25 It was rejected because he failed to file it within the
26 prescribed six-month period. He testified that he delayed to
27 wait for the outcome of the investigation of the incident. His
28 claim contained the attached written statement of another

1 inmate who allegedly witnessed the spraying. The inmate-author
2 of this written statement did not testify at the hearing.
3 Additionally, his statement was inconsistent with all other
4 witnesses who testified at the hearing. Therefore, it was
5 given no weight. As for the testifying inmate, his version
6 appeared plausible and consistent with the testimony of a
7 deputy present at the incident. On the other hand, this inmate
8 has an extensive record of crimes of moral turpitude and
9 dishonesty.

10 7. At the Commission hearing, the Department presented
11 the testimony of a deputy who was with Employee at the time of
12 the incident. While this deputy testified that he did not
13 actually see the spray, he saw Employee's arm drop to his side,
14 where his pepper spray can was located, and then he saw the
15 inmate react as if he was sprayed again. He testified that
16 this occurred as the inmate was "chipping" at Employee, i.e.,
17 verbally antagonizing Employee. During cross-examination, this
18 deputy remained certain of his conclusion that Employee sprayed
19 the restrained inmate, despite the fact that his conclusion was
20 based largely on the inmate's reaction and other circumstances.
21 He also testified that he was reluctant to testify against a
22 fellow deputy. He disclosed that during the subject
23 investigation, he was also being investigated by the Department
24 regarding an unrelated matter.

25 8. At the Commission hearing, Employee presented the
26 testimony of the Deputy assigned to the Housing Control
27 Station, an internal elevated room in the Jail, mostly
28 surrounded in glass. [Department Exhibit 1] He testified as

1 follows: It was his responsibility to monitor Employee, and
2 the deputies with him, during the attempted inmate movement
3 that resulted in the altercation. He had particular concerns
4 about the inmates involved. Therefore, he paid particular
5 attention to this activity. He did not see the alleged
6 improper spraying by Employee and concludes that it did not
7 occur. He believes he would have seen any such spraying by
8 Employee. He was not distracted by a nurse who was
9 simultaneously working in the facility, even though he was
10 responsible for her safety; nor was his view significantly
11 obstructed by the non-transparent portions of the control
12 station glass structure. On cross-examination, his testimony
13 appeared to be inconsistent with the statements he gave during
14 the investigation when he appeared less certain regarding the
15 alleged spraying by Employee and, overall, his testimony was
16 not convincing.

17 9. At the Commission hearing, Employee presented the
18 testimony of the other deputy who was with him at the time of
19 the incident. This deputy testified as follows: He did not
20 see Employee engage in the alleged spraying. Although he twice
21 left briefly while inmate was on his knees, he did not see
22 anything upon his return that would lead him to believe it
23 happened. He has worked with Employee and does not think he
24 would engage in such conduct.

25 10. At the Commission hearing, the Department also
26 displayed videotape of the incident, but it was inconclusive
27 regarding the central issues of the hearing. [Department
28 Exhibit 3]

1 11. At the Commission hearing, another relevant factual
2 circumstance was the respective locations of Employee and the
3 allegedly sprayed inmate at the time of the incident. It was
4 established that the inmate was positioned around a fenced
5 corner from Employee. As a result, there were two mesh fences
6 separating them. The Department provided demonstrative
7 evidence to show that the pepper spray could penetrate both
8 fences. [Department Exhibit 4] The value of the demonstrative
9 evidence was somewhat undermined by the fact that both the
10 spray can and the target (a sheet of paper) in the
11 demonstration were placed immediately next to their respective
12 fence sides when the target was sprayed. It was unlikely that
13 the inmate and Employee were as close to their respective fence
14 sides at the time of the incident. Therefore, the fences may
15 have been more of a barrier to the alleged spraying.
16 Additionally, water instead of pepper spray was used in the
17 demonstration. Although testimony indicated that the pepper
18 spray is used in a continuous stream, it was still unclear
19 whether water would accurately emulate pepper spray under the
20 circumstances at hand. Nevertheless, the demonstration had
21 some value in showing that the fences likely allowed some spray
22 through.

23 12. Employee was also charged with refusing and failing
24 to prepare a Crime Report regarding the altercation between the
25 two inmates. At the Commission hearing, the testimony
26 indicated that the Sergeant who requested the report may have
27 done so to the group of deputies at the incident rather than to
28 any particular deputy. There was testimony that the deputies

had a practice of dividing the responsibilities of preparing the various reports. Employee prepared the Inmate Status Report and under such a practice, the other deputies would have prepared the other reports. [Department Exhibit 2] Additionally, it wasn't clear from the testimony whether the Sergeant specifically requested a Crime Report or whether he simply requested the "required reports." However, the testimony indicated the deputies understood that a Crime Report should be prepared, but that they made the decision to forego the report because of unlikelihood that the Office of the District Attorney would prosecute the non(serious)-injury inmate on inmate battery. All three inmates did appear to be aware that they failed to follow Department policy.

CONCLUSIONS

A. After weighing all of the evidence, the Department's version of the incident appeared more plausible than Employee's version. It is a difficult and close decision, not only because of an abundance of conflicting evidence, but also because of the effect of the decision on the young career of a motivated and capable deputy. However, it was hard to overcome the certainty of the deputy who stood near Employee and believed he saw him spray the inmate, as well as the inmate's reaction thereto. Though Employee's counsel tried, it was hard to make a case of bias against the testimony of this deputy. In contrast, the inmate witnesses and Employee clearly had an interest in the outcome of the appeal. Therefore their testimony was less reliable than that of an unbiased witness. While the deputies who testified in favor of Employee may have

1 been similarly unbiased, they were in less favorable vantage
2 points to witness the incident. One was not present during the
3 entire relevant period and the other was in the control tower
4 with some view obstructions and a greater distance to the
5 incident.

6 B. An unfortunate but necessary consequence of finding
7 Employee engaged in the disputed spraying is finding that he
8 was untruthful when he denied the same to the Department; and
9 that he failed to properly document the incident in the Use of
10 Force Report, which he prepared and transmitted to his
11 superiors.

12 C. Regarding the Crime Report, the Department was unable
13 to establish a clear and direct order to Employee that he
14 prepare such a Report. As such, there was insufficient
15 evidence of insubordination. However, he did understand that
16 one should have been prepared. Therefore, the evidence
17 supported the Cause of inefficiency.

18 D. All charges under Causes I through V and VII and VIII
19 were proven. Employee is guilty of Cause I, failure of good
20 behavior; Cause II, failure of good behavior; Cause III,
21 negligence; Cause IV, inefficiency; Cause V, dishonesty; Cause
22 VII, inefficiency and Cause VIII, acts which are incompatible
23 with and/or inimical to the public service. Employee is not
24 guilty of Cause VI, insubordination.

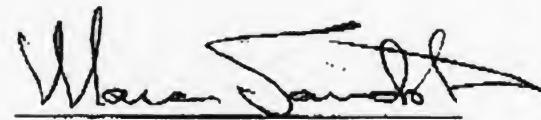
25 RECOMMENDATIONS

26 Based on the Findings and Conclusions set forth above, I
27 hereby recommend the following decision:
28

1 1. That the Order of Termination and Charges be
2 affirmed; and

3 2. That the proposed decision shall become effective
4 upon the date of approval by the Civil Service Commission.

5
6
7 Dated: September 29, 2004
8
9



MARC SANDSTROM
Hearing Officer

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 CIVIL SERVICE COMMISSION

2 COUNTY OF SAN DIEGO

3
4 In the Matter of the Appeal)
5 of 2004-07 from an Order of) DECISION
6 Termination and Charges from)
7 the Sheriff's Department)

8 The matter of the appeal of 2004-07, from a written Order
9 of Termination and Charges terminating him from his class and
10 position of Deputy Sheriff-Detentions/Court Services (Class No.
11 5757) in the Sheriff's Department was presented to the Civil
12 Service Commission. The Commission appointed Marc Sandstrom,
13 one of its members, to hear the appeal and submit findings,
14 conclusions, and recommendations to the Civil Service
15 Commission. Thereafter, the matter was duly noticed and came
on for hearing on August 13, 2004.

16 The Hearing Officer has reported back to the Commission
17 his Findings, Conclusions and Recommendations; and a Proposed
18 Decision, a copy of which is attached hereto and incorporated
19 herein, and the Commission hereby adopts and approves the
20 Findings, Conclusions, and Proposed Decision that the Hearing
21 Officer has submitted.

22 ACCORDINGLY, IT IS ORDERED:

23 1. That the Order of Termination and Charges be
24 affirmed; and

25 2. That the proposed decision shall become effective
26 upon the date of approval by the Civil Service Commission.

27 3. Any exhibit introduced in this proceeding may be
28 returned to the party to whom it belongs at any time after the

1 effective date of this Decision and the expiration of the time
2 provided for judicial review which is governed by Code of Civil
3 Procedure Section 1094.6 as more fully set forth below under
4 the paragraph entitled "Notice." The party seeking return of
5 the exhibits shall file with this Commission a written request
6 for the return of the exhibits accompanied by proof of mailing
7 a copy thereof to the other party, who may have ten (10) days
8 from the date of mailing to object to the return of said
9 exhibit(s). If no objection is filed, the Executive Officer of
10 the Commission may return the exhibit(s) to the party
11 requesting it.

12 4. Upon approval of this Decision, a copy thereof,
13 together with the Findings, Conclusions and Proposed Decision
14 incorporated by reference, be certified and served on the
15 parties and their representatives.

16 **NOTICE**

17 The time within which judicial review of this decision
18 must be sought is governed by the Code of Civil Procedure
19 Section 1094.6, which has been made applicable in the County of
20 San Diego by Civil Service Rule VII, Section 7.13(f). Any
21 petition or other papers seeking judicial review must be filed
22 in the appropriate court not later than the ninetieth (90th) day
23 following the date on which this decision becomes final.
24 However, if within ten (10) days after this decision becomes
25 final, a request for the record of the proceedings is filed,
26 the time within which such petition may be filed in court is
27 extended to not later than the thirtieth (30th) day following
28 the date on which the record is personally delivered or mailed
to the party, or his attorney of record. A written request for

1 the preparation of the record of proceedings shall be filed
2 with the Executive Officer of the Civil Service Commission of
3 San Diego County, 1600 Pacific Highway, San Diego, California
4 92101. A deposit sufficient to cover the estimated cost of
5 preparation of such record shall be filed with the written
6 request for the record of the proceedings.

7 Approved by the Civil Service Commission on the 29th day of
8 September 2004.

9

10 AYES: Sandstrom, Casillas, Newman, Krauel

11 NOES: Austin

12 ABSENT: None

13 ABSTENTIONS: None

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

June 1, 2004
IA# 2003-310.1

TO: Civil Service Commission

FROM: Gary A. Cantrell, Lieutenant
Internal Affairs Unit

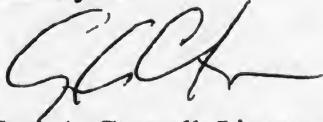
The Order of Termination and Charges dated 03-23-2004 filed against Jonathan Cavazos has been received by the Civil Service Commission on:

Commission Response:

The above individual HAS appealed the Order of Termination and Charges.
 The above individual HAS NOT appealed the Order of Termination and Charges.

Please return this form to the Sheriff's Internal Affairs Unit (MS-O41) as soon as possible.

Thank you.



Gary A. Cantrell, Lieutenant
Internal Affairs Unit
(858) 974-2065

Attachment



RECEIPT OF MATERIALS

**EMPLOYEE: JONATHON CAVAZOS #3444
Case #2003-310.1**



RECEIPT OF MATERIALS

EMPLOYEE: JONATHON CAVAZOS #3444
Case # 2003-310.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Notice of Intent of Non-Retention and Charges to Jonathon Cavazos dated 03-23-2004		
Recommendation for Non-Retention by Lieutenant Crist dated 03-22-2004 and attachment		
Investigative Reports by Sergeant M. Hernandez dated 02-19-2004 and attachments	<i>Jonathon Cavazos</i> 3/23/04	<i>John</i> 3/28/04
Skelly Conference Letter to Jonathon Cavazos		
Order Not to Disclose Materials to Jonathon Cavazos		
Declaration/Acknowledgement of Personal Service		
Seventeen (17) audiocassettes		



San Diego County Sheriff's Department

Post Office Box 429000 · San Diego, California 92142-9000



William B. Kolender, Sheriff

John M. Drown, Undersheriff

April 20, 2004

Jonathan Cavazos
[REDACTED]

Dear Deputy Sheriff-Detentions Jonathon Cavazos #3444:

ORDER OF TERMINATION AND CHARGES, CASE #2003-310.1

I hereby order that you be terminated from your position as a Deputy Sheriff-Detentions (Class #5757) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes;

CAUSE I

You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.48 – Treatment of Persons in Custody**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you mistreated and physically abused an inmate in custody. You did not handle this inmate in accordance with law and established Departmental procedures.



CAUSE II

You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.49 – Use of Force**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you used force, which was neither reasonable nor necessary under the circumstances. You did not use force in accordance with law and established departmental procedures.

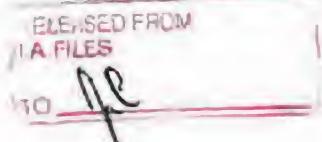
CAUSE III

You are guilty of negligence which resulted in a significant risk of harm to the public as set forth under Section 7.2 (q) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.50 – Use of Lethal/less Lethal Weapons**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you used a less lethal weapon in a careless or imprudent manner. You did not use this weapon in accordance with law and established Departmental procedures.

CAUSE IV

You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.41 – Departmental Reports**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and



secured, you used force on inmate [REDACTED] by spraying him with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else. You wrote a Use of Force report, but neglected to document you sprayed inmate [REDACTED] with O.C. spray while he was handcuffed and kneeling.

In doing so, you did not submit all necessary reports on time and in accordance with established Departmental procedures, and omitted pertinent information reasonably expected to be included.

CAUSE V

You are guilty of dishonesty as set forth under Section 7.2 (d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.46 - Truthfulness**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else. When interviewed by Sergeant Hernandez of the Sheriff's Internal Affairs Unit regarding this incident, you denied using O.C. spray on inmate [REDACTED] while he was handcuffed and kneeling.

In doing so, you did not answer questions truthfully and to the fullest extent of your knowledge when asked by the Sheriff's designee. Your verbal report was not truthful and complete.

CAUSE VI

You are guilty of insubordination as set forth under Section 7.2 (c) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.15 – Insubordination**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. Sergeant Clark told you and Deputies Lien and Brown to write a Crime Report, along with the other necessary reports. You and the other deputies discussed it amongst yourselves and decided not to write the Crime Report.



In doing so, you willfully refused to obey a reasonable and lawful order given and understood.

CAUSE VII

You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.41 – Departmental Reports**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. You neglected to document this incident on a Crime Report.

In doing so, you did not submit all necessary reports on time and in accordance with established Departmental procedures.

CAUSE VIII

You are guilty of acts, which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is that set forth under Causes I through VII above.

RELEASED FROM
JIA FILES
TO [Signature]

Order of Termination and Charges, Case #2003-301.1
Deputy Sheriff-Detention Jonathon Cavazos #3444
April 20, 2004

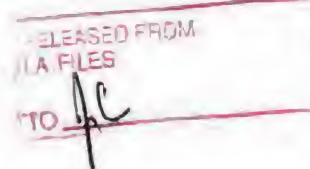
Page 5

Your attention is directed to Sections 904.1, 904.2, 909, 909.1, 910.1(k), and 910 (k)(l) of the Charter of the County of San Diego and Rule VII of the Civil Services Rules. If you wish to appeal this order to the Civil Service Commission of the County of San Diego, you must file such an appeal and an answer in writing with the Commission within ten (10) calendar days after this order is presented to you. Such an appeal and answer must be in writing and delivered to the Civil Service Commission at its offices at 1600 Pacific Highway, Room 458, San Diego, California 92101, within such ten (10) calendar day period. An appeal is not valid unless it is actually received by the Commission within such ten (10) calendar day period. A copy of such appeal and answer shall also be served, either personally or by mail, by the employee on the undersigned within the same ten (10) calendar day period.

Sincerely,

W.B. Kolender
William B. Kolender, Sheriff

WBK:mg



FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

- NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
- NOTICE OF INTENT TO SUSPEND AND CHARGES**
- NOTICE OF INTENT TO TERMINATE AND CHARGES**
- NOTICE OF INTENT TO REMOVE CORPORAL PREMIUM STATUS AND CHARGES**

- ORDER OF PAY-STEP REDUCTION AND CHARGES**
- ORDER OF SUSPENSION AND CHARGES**
- ORDER OF TERMINATION AND CHARGES**
- ORDER OF REMOVAL OF CORPORAL PREMIUM STATUS AND CHARGES**

NOTICE REGARDING RESTRAINING ORDER DATED _____

of which a true copy is attached hereto, by delivering a copy thereof to

Jonathan Cavayos personally at SOCJ on
05/28/04.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28 day of May, 2004, at San Diego, California.

R. Ross
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 28 day of MAY, 2004.

SIGNED





COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

April 19, 2004

TO: William B. Kolender, Sheriff

FROM: Earl Wentworth, Captain
Emergency Services Division

VIA: Chain of Command

SKELLY CONFERENCE – DEPUTY SHERIFF - DETENTIONS JONATHON CAVAZOS #3444 - IA CASE# 2003-310.1

COMMAND RECOMMENDATION:

Non-Retention

CASE SYNOPSIS:

On October 17, 2003 at approximately 2000 hours, Deputies Tony Lien, Jonathon Cavazos and Robert Brown moved inmate [REDACTED] to module 6E, San Diego Central Jail. Once [REDACTED] was placed into cell 10, he immediately began fighting with the other inmate in that cell, [REDACTED]. Deputies intervened and broke up the fight. Pepper spray was deployed to stop the fight, and both inmates were handcuffed. Deputies removed inmate [REDACTED] from cell 10 and had him kneel outside the cell. It is alleged that while [REDACTED] was in this kneeling position, and handcuffed, Deputy Cavazos sprayed him in the face with OC spray.

It is further alleged that following this incident, Deputy Cavazos failed to document his use of force and was insubordinate when he disobeyed the order of his supervisor to write a crime report to document the fight between both inmates.

Finally, it is alleged that Deputy Cavazos was untruthful when interviewed by Internal Affairs, and denied spraying inmate [REDACTED] with OC spray after he was handcuffed.

RELEASED FROM
I.A. FILES

TO [REDACTED]

William B. Kolender, Sheriff

Skelly Conference – Deputy Sheriff-Detention Jonathon Cavazos – IA Case# 2003-310.1

April 19, 2004

Page 2

SKELLY CONFERENCE:

On March 29, 2004, I was assigned as the Skelly Hearing Officer for this case. By mutual agreement with Attorney Rick Pinckard, the Skelly Conference was held on April 2, 2004 at 1400 hours, in my office. The hearing was tape-recorded and the cassette tape is included with this report.

The issues of contention raised by Mr. Pinckard were:

- Deputy Cavazos did not violate Sheriff's Policy & Procedure, Section 2.48 (Treatment of Persons in Custody), as outlined in Cause I, Section 2.49 (Use of Force), as outlined in Cause II, Section 2.50 (Use of Lethal/Less Lethal Weapons) as outlined in Cause III, Sections 2.41 (Departmental Reports) and 2.46 (Truthfulness) as outlined in Cause IV and Section 2.15 (Insubordination) as outlined in Cause V.

Mr. Pinckard said the Department did not prove their case. Deputy Cavazos did not spray [REDACTED] while he was handcuffed outside cell 10. He admits the video quality was poor and inconclusive but emphasized the housing deputy, Deputy John Lonsdale said it (the OC spray to the face) didn't happen. Mr. Pinckard also claims the Department's key witness in this case is Deputy Lien who was present when this incident allegedly occurred and said Deputy Cavazos sprayed [REDACTED] when he was handcuffed. Pinckard said

[REDACTED] He said both inmates also exaggerated the facts and provided inconsistent statements.

Mr. Pinckard also emphasized that Deputy Cavazos did not disobey an order from Sergeant Clark to write a report. In fact Sgt. Hernandez's investigation revealed that Sgt. Clark couldn't remember ordering anyone to write a report.

- The disciplinary recommendation is excessive.

Mr. Pinckard agreed he (Cavazos) erred by not writing a crime report, however; Mr. Pinckard contends that Deputy Cavazos should not be terminated (or not-retained) for simply failing to write a report.

Deputy Cavazos reiterated that he did not spray inmate [REDACTED] with OC spray after he was removed from cell 10. When I asked Deputy Cavazos if he used profanity towards the inmate he said "Not that I recall". This comment alone, during this conference, concerns me. Unless this is a comment he frequently uses towards inmates, why would he have trouble remembering whether or not he made this comment towards [REDACTED]

RELEASED FROM
I.A. FILES

TO AF

William B. Kolender, Sheriff
Skelly Conference – Deputy Sheriff-Detention Jonathon Cavazos – IA Case# 2003-310.1
April 19, 2004
Page 3

FINDINGS:

Department Policy & Procedure, Sections 2.41, 2.46, 2.48, 2.49 and 2.50, are applicable in this case and Causes I, II, III, IV, VI and VII were proven by the Department beyond a preponderance of the evidence. I find that the Department did not prove Cause V (Insubordination) against Deputy Cavazos.

I reviewed the audio tapes of the Internal Affairs interviews involving Deputy Lien, Lonsdale and Cavazos. I also listened to the interviews of inmates [REDACTED] and [REDACTED]. Although I placed more weight on the statements from Deputy Lien than I did inmates [REDACTED] and [REDACTED] these inmates were believable.

[REDACTED] However I must weigh the statements by Deputy Lien with the remaining evidence in this case.

At the beginning of Deputy Lien's first interview with Sgt. Hernandez, he was very hesitant to reply when asked if he saw Deputy Cavazos spray the inmate in the face after he was outside his cell. Initially Lien said "I don't recall" yet his recollection on every other detail involving this incident was crisp. Later during this same interview, Deputy Lien said Cavazos did spray [REDACTED] in the face once he was outside his cell. After listening to all four of Deputy Lien's Internal Affairs interviews, I am satisfied that his statements corroborate the evidence.

I don't believe Deputy Cavazos was truthful during this investigation and it is my belief he used excessive force by spraying inmate [REDACTED] with OC spray after he was removed from cell 10. By that time the inmate was handcuffed and posed no immediate threat to any of the deputies.

RECOMMENDATION:

Non-Retention – Upheld. These offenses warrant termination regardless of whether Deputy Cavazos is a probationary or permanent employee.



Earl Wentworth, Captain
Emergency Services Division



William B. Kolender, Sheriff
Skelly Conference – Deputy Sheriff-Detentions Jonathon Cavazos – IA Case# 2003-310.1
April 19, 2004
Page 4

Michele A Braatz, commander 4-20-04 Approve Disapprove
Michele Braatz, Commander
Detentions Operations Area 2

Comments: _____

Dennis Runyen 4/20/04 Approve Disapprove
Dennis Runyen, Assistant Sheriff
Detention Services Bureau

Comments: _____

Barry Zuniga 5-19-04 Approve Disapprove
Barry Zuniga, Undersheriff

Comments: _____



William B. Kolender, Sheriff

Skelly Conference – Deputy Sheriff-Detentions Jonathon Cavazos – IA Case# 2003-310.1

April 19, 2004

Page 5

W.B. Kolender

William B. Kolender, Sheriff

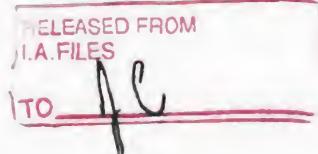
5-20-04

Date

Approve

Disapprove

Comments: _____





San Diego County Sheriff's Department



Post Office Box 429000 · San Diego, California 92142-9000

William B. Kolender, Sheriff

John M. Drown, Undersheriff

March 23, 2004

Jonathan Cavazos
[REDACTED]

Deputy Sheriff-Detentions Jonathan Cavazos #3444:

NOTICE OF INTENT OF NON-RETENTION AND CHARGES, CASE # 2003-310.1

Please take notice that it is my intention to recommend to the Sheriff that you not be retained as a permanent employee in your position as a Deputy Sheriff-Detentions (Class #5757) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes;

CAUSE I

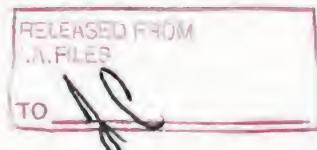
You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.48 – Treatment of Persons in Custody**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you mistreated and physically abused an inmate in custody. You did not handle this inmate in accordance with law and established Departmental procedures.

CAUSE II

You are guilty of failure of good behavior as set forth under Section 7.2 (r) of Rule

"Keeping the Peace Since 1850"



VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.49 – Use of Force**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you used force, which was neither reasonable nor necessary under the circumstances. You did not use force in accordance with law and established departmental procedures.

CAUSE III

You are guilty of negligence which resulted in a significant risk of harm to the public as set forth under Section 7.2 (q) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.50 – Use of Lethal/less Lethal Weapons**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else.

In doing so, you used a less lethal weapon in a careless or imprudent manner. You did not use this weapon in accordance with law and established Departmental procedures.

CAUSE IV

You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.41 – Departmental Reports**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you used force on inmate [REDACTED] by spraying him with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else. You wrote a Use of Force report, but neglected to document you

sprayed inmate [REDACTED] with O.C. spray while he was handcuffed and kneeling.

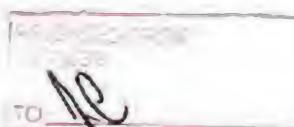
In doing so, you did not submit all necessary reports on time and in accordance with established Departmental procedures, and omitted pertinent information reasonably expected to be included.

CAUSE IV

You are guilty of dishonesty as set forth under Section 7.2 (d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.46 - Truthfulness**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. After the combatants were separated and secured, you sprayed inmate [REDACTED] with oleoresin capsicum (O.C.) spray while he was handcuffed and kneeling, and posed no threat to you or anyone else. When interviewed by Sergeant Hernandez of the Sheriff's Internal Affairs Unit regarding this incident, you denied using O.C. spray on inmate [REDACTED] while he was handcuffed and kneeling.

In doing so, you did not answer questions truthfully and to the fullest extent of your knowledge when asked by the Sheriff's designee. Your verbal report was not truthful and complete.

CAUSE V


You are guilty of insubordination as set forth under Section 7.2 (c) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.15 – Insubordination**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. Sergeant Clark told you and Deputies Lien and Brown to write a Crime Report, along with the other necessary reports. You and the other deputies discussed it amongst yourselves and decided not to write the Crime Report.

In doing so, you willfully refused to obey a reasonable and lawful order given and understood.

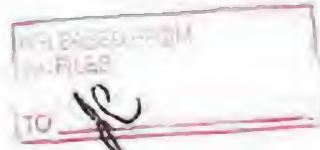
CAUSE VI

You are guilty of inefficiency as set forth under Section 7.2 (b) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.41 – Departmental Reports**, in that: On October 17, 2003, you were assigned to the 6th Floor Housing Deputy position at the San Diego Central Jail. On that date, inmates [REDACTED] and [REDACTED] were involved in a physical altercation in cell 10 of Module 6E. You neglected to document this incident on a Crime Report.

In doing so, you did not submit all necessary reports on time and in accordance with established Departmental procedures.

CAUSE VII

You are guilty of acts, which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts inimical to the public service is that set forth under Causes I through VI above.



If you choose to have a Skelly Conference, you must Contact Internal Affairs at (858) 974-2065 by 4:30 p.m. on March 30, 2004. A Skelly Conference is scheduled with Captain Wentworth at the Vista Patrol Station on April 1, 2004 at 9:00 a.m.

If you do not contact Internal Affairs by the above date and time, the Skelly Conference will be cancelled and the Non-Retention recommendation will be forwarded to the Personnel Division for processing.

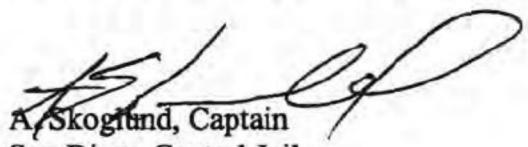
Upon receipt of this notice, you will be provided with copies of all documents possessed by this department upon which this proposed action is based. If you have any questions of said documents, please contact Lieutenant Cantrell of the Internal Affairs Unit.

Notice of Intent for Non-Retention and Charges, IA Case #2003-310.1
Deputy Sheriff-Detentions Jonathan Cavazos #3444
March 23, 2004

Page 5

Sincerely,

WILLIAM B. KOLENDER, SHERIFF


A. Skoglund, Captain
San Diego Central Jail

WBK:AS:mg



FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

- NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
- NOTICE OF INTENT TO SUSPEND AND CHARGES**
- NOTICE OF INTENT TO TERMINATE AND CHARGES**
- NOTICE OF INTENT TO REMOVE CORPORAL PREMIUM STATUS AND CHARGES**
- NOTICE OF INTENT OF NON-RETENTION AND CHARGES**

- ORDER OF PAY-STEP REDUCTION AND CHARGES**
- ORDER OF SUSPENSION AND CHARGES**
- ORDER OF TERMINATION AND CHARGES**
- ORDER OF REMOVAL OF CORPORAL PREMIUM STATUS AND CHARGES**

NOTICE REGARDING RESTRAINING ORDER DATED _____

of which a true copy is attached hereto, by delivering a copy thereof to

Jonathan Cavazos personally at San Diego Central Jail on
March, 23, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

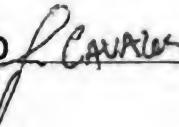
Executed this 23 day of March, 2004, at San Diego, California.

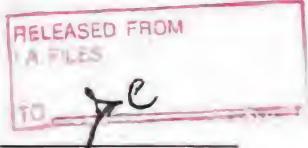

Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 23 day of March, 2004.

SIGNED 



FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

Skelly Conference Letter
Case # 2003-310.1

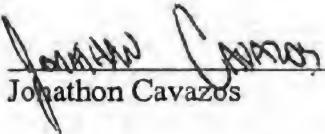
As indicated on the "Notice of Intent" to discipline, which you are receiving, disciplinary action against you is being considered. If you wish to invoke your right to a pre-disciplinary due process hearing on this matter (*Skelly Conference*), you must make the request within five (5) regular business days. The Skelly Conference is a relatively informal hearing, not an adversarial evidentiary trial. The final date to request a hearing is indicated on your "Notice of Intent". Your request should be made by calling the Internal Affairs Unit at (858) 974-2065.

If you do not request the conference within that time, your right to a Skelly Conference will have been waived, and the recommended discipline may be imposed.

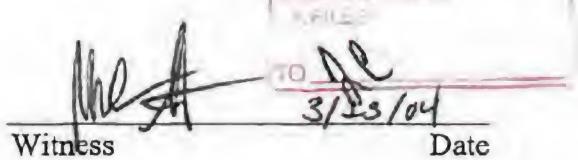
Your Skelly rights are:

1. To receive a written "Notice of Intent" to discipline, which may be served upon you either in person or by mail. That notice will include the level of proposed discipline, the charges, and a brief explanation of the reason for the discipline.
2. To receive a copy of the materials upon which the proposed discipline is based, including reports, tape recordings, photographs, etc. Any item certified as confidential and withheld from you by the department cannot be used as a basis for discipline.
3. To have sufficient time to review the supporting materials so that your response can be prepared.
4. To respond orally, in writing, or both to the proposed discipline and charges.
5. To a hearing officer who is not in your chain of command.
6. To have a representative or attorney present at the hearing.
7. To receive copies of all materials prepared as a result of the Skelly Conference.
8. To receive a new Skelly Conference for any new charges or increased discipline, which arise from the Skelly Conference.

I have read and understand my Skelly rights.


Jonathon Cavazos

03/23/04
Date


Witness
TO: 
3/23/04
Date

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

ORDER NOT TO DISCLOSE MATERIALS

Pursuant to Department Policy, materials are being furnished to you upon which your proposed discipline is based. These materials are reproductions and are a part of the confidential employee personnel records of the San Diego Sheriff's Department. Dissemination of this information is restricted to a need and a right to know.

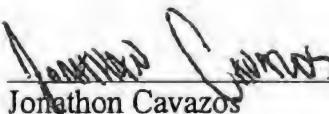
You are ordered not to disclose, release, or copy these materials to or for anyone, other than your attorney and/or association representative, without the written authorization of the Internal Affairs Lieutenant. Materials include all written documentation, tape recordings, and videotapes.

Any unauthorized release of information contained in these documents compromises the confidentiality of your personnel file, and may impede the Department's ability to protect your confidentiality in future discovery motions. This could subject you and the County to unnecessary liability and criticism, to which the Department may be required to defend in a public forum.

You are strongly encouraged to destroy or return these materials when they no longer serve a useful purpose. Should you desire to review material related to your discipline at a later time, you may make arrangements with the Internal Affairs Unit.

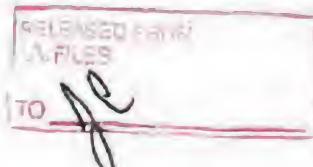
Failure to abide by this order could result in a charge of insubordination, and subject you to disciplinary action up to and including termination.

I have received a copy of this order.



Jonathon Cavazos

I.A. Case # 2003-310.1





COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

March 22, 2004

To: Dennis Runyen, Assistant Sheriff
Detention Services

From: Don Crist, Lieutenant
San Diego Central Jail

Via: Chain of Command

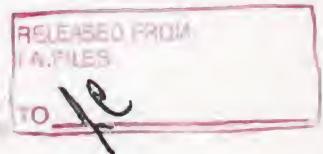
Recommendation for Non-Retention of Deputy Sheriff – Detentions Jonathan Cavazos,
ID #3444

SYNOPSIS

Deputy Jonathan Cavazos, a probationary employee, is being recommended for non-retention. Deputy Cavazos used excessive and unreasonable force against an inmate by spraying the inmate with oleoresin capsicum (O.C.) spray while the inmate was handcuffed and kneeling. The inmate posed no danger or threat to Deputy Cavazos or any other person. Deputy Cavazos was untruthful when he failed to document his use of force in the report he submitted on the incident. He was untruthful when he failed to mention a fellow deputy as a witness to the incident. He was insubordinate when he failed to complete a required crime report and rule violation report (RVR) as directed by his supervisor, a sergeant. He was untruthful while being interviewed by internal affairs investigators by denying that the second, unreported use of force ever took place.

BACKGROUND

Deputy Cavazos was hired as a deputy sheriff – detentions cadet on December 13, 2002. While in the academy, Deputy Cavazos received training on report writing and the Sheriff's use of force policy. After completing the academy, Deputy Cavazos was promoted to deputy sheriff – detentions and was assigned to the San Diego Central Jail (SDCJ) on March 27, 2003. During phase training at SDCJ, Deputy Cavazos again received training in, and acknowledged understanding of, the Sheriff's use of force policy. Sheriff's Policy and Procedure, Section 2.49 – Use of Force reads:



Recommendation for Non-Retention of
Deputy Sheriff – Detentions Jonathan Cavazos #3444
Page 2
March 22, 2004

"Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Departmental procedures, and report all use of force in writing."

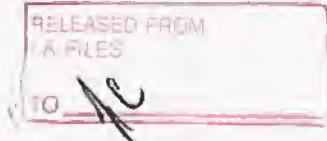
Deputy Cavazos completed phase training within the standard training period. A copy of his entire training file is available on request. A copy of the report writing tracking sheet (sign-off section) of Deputy Cavazos' Detention Training Manual is attached to this recommendation. This sign off sheet indicates that Deputy Cavazos was trained in, and showed competency in, understanding the reporting requirements when force is used (see Attachment).

During his phase training and during his probationary period, Deputy Cavazos has written several use of force reports. His reports have shown that he fully understands that he should only use the force reasonable and necessary under the given circumstances, and should report all uses of force in writing. One such report, written during his phase training on May 10, 2003, is attached (see Attachment).

Before completing each phase of his phase training, Deputy Cavazos had to pass a written examination showing his understanding of detentions operations and detentions policy and procedures which were explained and practiced in that particular phase. In the phase three written examination, trainees are tested on their understanding of use of force and report writing requirements when force is used, among other topics. Deputy Cavazos passed this section of the examination, indicating he had a knowledge and understanding of the use of force policy and reporting requirements when force is used. A copy of the pertinent pages of his phase three examination is attached (see Attachment).

Sergeants Rosa Cortez and Billy Duke have supervised Deputy Cavazos since he was assigned to SDCJ. I have been Deputy Cavazos' second line supervisor since August 29th, 2003. Deputy Cavazos has been an employee of this department for almost one year as a deputy sheriff – detentions. Deputy Cavazos has received four "average" ratings since being assigned to SDCJ. He has no prior discipline for related matters. Deputy Cavazos' probationary period ends on March 25, 2004.

I have been a Watch Commander at the San Diego Central Jail since August 29, 2003. I have found that the use of force policies and report writing policies (when force is used) are clear and understandable. My experience, including direct interaction with Deputy Cavazos (which includes approving his reports on use of force) leads me to believe that he, as well as each and every deputy in this facility, is aware of the use of force policy and the requirements for documenting any use of force.



DEPUTY'S ACTIONS

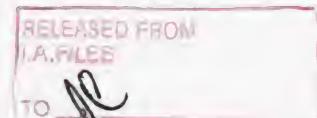
On October 17, 2003, Deputy Robert Brown (ID #4366) was assigned as the sixth floor movement position deputy at SDCJ. Deputy Tony Lein (ID #5605) and Deputy Cavazos were assigned as the sixth floor housing deputies at SDCJ. At approximately 2000 hours, all three deputies escorted Inmate [REDACTED] (booking # [REDACTED]) to the second tier of module 6E. Module 6E is an administrative segregation module, used to house inmates classified as high risk, protective custody, high profile, or any inmate that cannot be housed with other inmates. Inmate [REDACTED] was to be placed in module 6E, cell ten, with Inmate [REDACTED] (booking # [REDACTED]), having been previously assigned to that cell by a classification deputy upon his return to Sheriff's custody, and entry into SDCJ that day.

Deputies Brown, Cavazos and Lein walked Inmate [REDACTED] to cell ten. Unbeknownst to all three deputies, the two inmates were rival gang members. When they arrived at cell ten, Inmate [REDACTED] demanded that Inmate [REDACTED] not be placed in his cell. Inmate [REDACTED] complained that the two inmates would fight if housed together because of their rival gang affiliations. Deputy Brown radioed the tower deputy, Deputy John Lonsdale (ID #0420), and asked him to check with a classification deputy to substantiate Inmate [REDACTED] claim. He did this because inmates are known to lie in order to avoid living with other inmates. After the classification deputy mistakenly confirmed that the two inmates could be housed together (a mistake which Deputies Brown, Cavazos, and Lein could not have known about), the deputies told Inmate [REDACTED] to enter Inmate [REDACTED] cell. [REDACTED] and [REDACTED] fought.

After the two inmates began fighting, all three deputies ordered them to stop fighting. When they refused Deputy Cavazos' verbal orders to stop fighting, Deputy Cavazos sprayed them with a burst of his O.C. spray. He was the only deputy who carried O.C. spray. The inmates continued fighting until Deputy Cavazos sprayed them with a second burst of his O.C. spray.

The inmates stopped fighting. Inmate [REDACTED] was handcuffed and removed from the cell by Deputy Brown. Inmate [REDACTED] was left in the cell. Inmate [REDACTED] was placed in a kneeling position a few steps away from the cell. His hands were handcuffed behind his back. Deputy Brown went to retrieve waist chains to move Inmate [REDACTED] to another module, leaving Deputies Cavazos and Lein with Inmate [REDACTED]. Inmate [REDACTED] verbally "chipped" at the deputies, telling them he warned them not to put Inmate [REDACTED] in his cell. He also threatened to sue the deputies for the fight which had just happened.

While Inmate [REDACTED] was verbally expressing his anger toward the deputies, Deputy Cavazos stepped toward him and said something similar to, "Shut the fuck up and quit



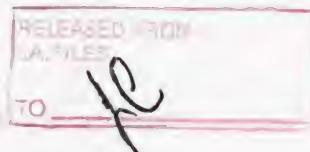
Recommendation for Non-Retention of
Deputy Sheriff – Detentions Jonathan Cavazos #3444
Page 4
March 22, 2004

crying like a bitch." Deputy Cavazos then discharged his O.C. spray at Inmate [REDACTED] face and eyes. Neither Deputy Brown, nor Deputy Lonsdale saw the incident. Deputy Brown had already left to retrieve leg chains to secure Inmate [REDACTED] for movement to another module. Deputy Lonsdale did not see the incident from the tower as he was busy keeping track of a nurse who was dispensing medicine to inmates in other modules on the floor. A videotape of the incident did not provide a clear picture of Deputy Cavazos' actions. Inmate [REDACTED] allegation that Deputy Cavazos sprayed him with O.C. was supported by Deputy Lein, who was standing a few feet away, and another inmate, Inmate [REDACTED] (booking # [REDACTED]) who was in a cell a short distance away. Another inmate, [REDACTED] (booking # [REDACTED]) may have seen the incident but refused to provide the internal affairs investigator with a statement. Inmate [REDACTED] Inmate [REDACTED] and Deputy Lein all indicated that Inmate [REDACTED] did not pose a physical threat or danger to anyone after he was removed from the cell. Even Deputy Cavazos said Inmate [REDACTED] was not a danger to anyone after he was removed from the cell, although he did not admit to spraying Inmate [REDACTED]

After the incident, Sergeant Randy Clark (ID #5120) was notified of the incident. He contacted Deputies Brown, Cavazos and Lein on the fourth floor. Deputy Cavazos did not tell Sergeant Clark that he (Deputy Cavazos) discharged O.C. at Inmate [REDACTED] after he was handcuffed and kneeling on the floor. Sergeant Clark instructed the deputies, in general, to write a use of force report, a battery report due to the assault, and a rule violation report.

The deputies' accounts differ at this point, each one trying to point to the others as being responsible for not writing the crime report and rule violation reports, contrary to Sergeant Clark's instructions (see the internal affairs report for full details). Regardless, Deputy Cavazos was responsible for writing the use of force report since he used his O.C. canister to spray the inmates while they were fighting. In doing so, Deputy Cavazos failed to mention Inmate [REDACTED] continuous warnings about his gang affiliation and Inmate [REDACTED] rival gang affiliation. Deputy Cavazos failed to include Deputy Lein as a witness in his use of force, per policy and procedure. Deputy Cavazos failed to report his conscious, second use of force (the unreasonable and unnecessary spraying of Inmate [REDACTED] while he was handcuffed and kneeling, and offering no threat of physical harm). He purposely submitted an inaccurate and false report, motivated by his knowledge that his actions were unnecessary and his use of force was excessive, and therefore in violation of department policy and procedures.

Even though Deputy Cavazos was not solely responsible for completing the crime report and rule violation reports as directed by Sergeant Clark, he knew they had to be completed. Even though Deputy Cavazos knew Sergeant Clark expected a crime report, he, along with Deputies Lein and Brown, decided not to write one. Deputy



Cavazos' report, however, indicates that both a crime report and a rule violation report would be done. He was equally culpable for not following a direct order in making sure that both were completed.

DISCUSSION

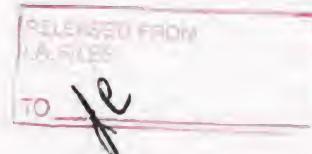
Inmate [REDACTED] later filed an internal affairs complaint against the deputies. Sergeant Hernandez of the Sheriff's Internal Affairs Division completed an investigation into the incident (Internal Affairs Division case number 2003-310.1). While being interviewed by internal affairs investigators, Deputy Cavazos denied that he sprayed Inmate [REDACTED] after he was removed from the cell.

On Monday, March 1, 2004, I was given Sergeant Hernandez' investigation to read and make disciplinary recommendations regarding Deputy Brown and Cavazos' rule violations on October 17th, 2003. I read all of the investigative reports prepared by Sergeant Hernandez and I agree with his findings and conclusions. The charges were satisfactorily proven. The facts in the case were not in dispute. There was substantial evidence to support Sergeant Hernandez' conclusions. I felt that the investigation was thorough and fair. There was no investigator or department motive or bias. Among other findings, Sergeant Hernandez' investigation found that Deputy Cavazos was in violation of Sheriff's Policy and Procedures, Sections:

- 2.15 - Insubordination
- 2.41 - Departmental Reports
- 2.46 - Truthfulness
- 2.48 - Treatment of Persons in Custody
- 2.49 - Use of Force

Sergeant Hernandez' investigation is attached to this report.

On Tuesday, March 9, 2004, I met with Deputy Cavazos and gave him an opportunity to read Sergeant Hernandez' investigation. I did this in anticipation of providing Deputy Cavazos with a pre-disciplinary meeting where he could respond to the allegations in the investigation and provide me with evidence or mitigating factors before I made disciplinary recommendations. At that time, I had not yet gathered information on Deputy Cavazos' date of hire, work history, assignments, prior discipline, etc. In anticipation of a pre-disciplinary hearing, I advised Deputy Cavazos that he had a right to have a representative present during the pre-disciplinary hearing.



Recommendation for Non-Retention of
Deputy Sheriff – Detentions Jonathan Cavazos #3444
Page 6
March 22, 2004

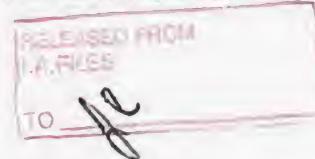
Later that week, I received a phone call from Attorney Rick Pinckard, from the Law Offices of Bobbitt and Pinckard, APC. Mr. Pinckard advised me that he (Pinckard) would be representing Deputy Cavazos, but could not attend a pre-disciplinary meeting on Deputy Cavazos' behalf until he received a copy of the investigation. I advised Mr. Pinckard to make that request through the Sheriff's Internal Affairs Division. He did so. That request generated a check into Deputy Cavazos' employment status wherein Deputy Cavazos was found to be on probation, thus generating this recommendation for non-retention based on the circumstances.

San Diego Sheriff's Detention Services Bureau Mission Statement reads: "Working together, we provide professional detention services in a safe and humane environment." Deputy Cavazos is responsible for the health, safety and security of inmates in the Sheriff's custody. Deputy Cavazos' use of unreasonable and unnecessary force is an extremely serious violation and warrants major discipline. There is a potential for inmates to start resisting and fighting deputies on a regular basis if they believe they are going to be assaulted by the deputies, even if they comply and allow themselves to be handcuffed. There is also a potential for civil liability should Inmate [REDACTED] bring a civil lawsuit against Deputy Cavazos, his partners, and the department.

In this case (where Inmate [REDACTED] was not seriously injured), the false documentation is the most disturbing portion of the case. Being untruthful about his use of force is actually more serious than Deputy Cavazos' use of force itself. Deputy Cavazos' report was intentionally dishonest. Integrity is solemnly important among law enforcement officers. Incidents of dishonesty are discoverable in court and make a law enforcement officer's testimony impeachable. A record of dishonesty also invalidates Deputy Cavazos' future contributions, on behalf of the department, as a witness in court. As a department, we must hold high the value of honesty. Honesty is the department's first core value. It is the foundation from which we preserve the public's trust and confidence. Deputy Cavazos' actions were not in keeping with the department's mission and core values of Honesty and Integrity. A letter written by Sheriff Kolender upon taking office, to all Sheriff's Employees, dated January 6, 1995, said in part:

"...I expect that we will recognize that our sole purpose here is to well and faithfully serve those laws we enforce, and that in doing so we will never violate the public trust placed in our positions..."

Deputy Cavazos' actions have the serious potential to affect department credibility and public trust. Deputy Cavazos' behavior was intentional, egregious, negligent and a violation of the public's trust. Without harsh action, I believe the potential for repeated violations will occur. As an aside, I believe Deputy Cavazos' non-retention will also deter other employees from similar misconduct.



Recommendation for Non-Retention of
Deputy Sheriff – Detentions Jonathan Cavazos #3444
Page 7
March 22, 2004

Dishonesty is not acceptable. Prior incidents of dishonesty render impeachable a law enforcement officer's testimony. Because of Deputy Cavazos' dishonesty, the department cannot again trust him any further. His actions were inimical to public service. He failed in his responsibility to the public, his employer, and the inmates it is his job to care for. The department cannot tolerate such behavior and cannot risk similar behavior in the future. In law enforcement, integrity is the most valued characteristic. Dishonest law enforcement officers, when not removed, can lead to corruption – the ultimate failure of a law enforcement agency.

I have considered the facts, evidence, reports, and witness statements as reported in Sergeant Hernandez' internal affairs investigation. I have also considered Deputy Cavazos' training and work history and service to the county and the department. I have also considered the nature of Deputy Cavazos' conduct. Non-retention is appropriate due to the significant and intentional nature of his acts and dishonesty. While discipline might have been appropriate for a deputy in Deputy Cavazos' position (near the end of his probationary status and producing competent work), unreasonable and unnecessary use of force, and clear and pre-meditated dishonesty supports non-retention, even without prior discipline.

RECOMMENDATION

I recommend that Deputy Jonathan Cavazos not be retained as an employee with the San Diego Sheriff's Department.

Don Crist Lt #1081

Don Crist, Lieutenant
San Diego Central Jail

DRC:dc

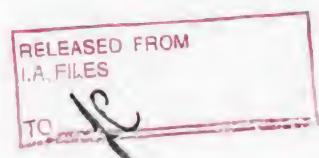
Attachments:

Copy of San Diego Sheriff's Department, Detention Training Manual, Report Writing Tracking Sheet, and Use of Force checklist.

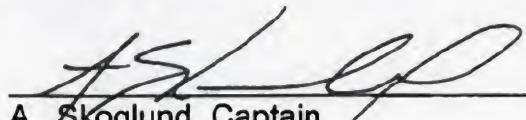
Copy of San Diego Sheriff's Department, use of force report on Inmate [REDACTED] (booking # [REDACTED] on 05-10-03, by Deputy Cavazos.

Copy of San Diego Central Jail, Phase Three Exam, pages 11 & 12, completed by Deputy Cavazos on 07-25-03 with a passing score of 99%.

San Diego Sheriff's Department, Internal Affairs Division, case number 2003-310.1, dated February 19th, 2004, by Sergeant Michael Hernandez.



Recommendation for Non-Retention of
Deputy Sheriff – Detentions Jonathan Cavazos #3444
Page 8
March 22, 2004



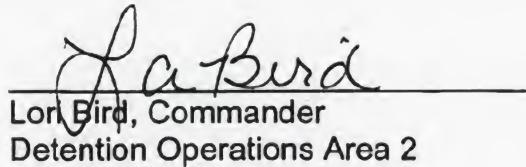
A. Skoglund, Captain
San Diego Central Jail

(Approve

(Disapprove

Date: 03/22/04

Comments _____



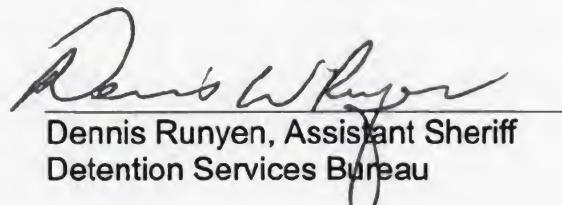
Lor Bird, Commander
Detention Operations Area 2

(Approve

(Disapprove

Date: 3-22-04

Comments Concur



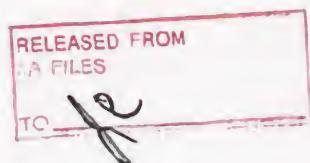
Dennis Runyen, Assistant Sheriff
Detention Services Bureau

(Approve

(Disapprove

Date: 3-22-04

Comments _____



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT



DETENTION TRAINING MANUAL

WILLIAM B. KOLENDER, SHERIFF

Revised August 12, 1998

RELEASED FROM
I.A. FILES
TO: *[Signature]*

XVII. USE OF FORCE

The trainee shall demonstrate knowledge of the department policy on the use of force. This shall include but is not limited to the following:

- *understanding of the moral and legal considerations pertaining to the use of force
- *using proper force when handling/controlling prisoners
- *agency policy on discharge of firearms
- *reporting process
- *use of force log.

FTO Initials & ID	Phase 1	Phase 2	Phase 3	ALPS / Other
Discussed	B-15261	CW 4133	EC6529	
Demonstrated	B-15261	CW 4133	EC6529	
Accomplished	B-15261	CW 4133	EC6529	

UNACCEPTABLE (#1)

The trainee demonstrates minimal knowledge with little to no retention. Additional/Remedial training is given with no progress being made. The trainee fails to meet expectations as described on the F.T.O. worksheet.

IMPROVEMENT NEEDED (#2)

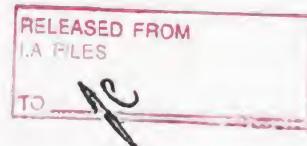
The trainee consistently uses inappropriate force. Is unable to control prisoners and documents incidents poorly. Often needs assistance dealing with inmates due to a lack of command presence and inability to talk hostile prisoners down.

ACCEPTABLE (#3)

The trainee is familiar with the department policy on the use of force. Has adequate control techniques and good prisoner control. Good documentation and makes appropriate notifications.

BETTER THAN ACCEPTABLE (#4)

The trainee demonstrates and explains an exceptional knowledge of the department policy on the use of force. Uses appropriate force when necessary and maintains good control over inmates. Thoroughly documents uses of forces and makes appropriate notifications.





San Diego County SHERIFF'S DEPARTMENT

INMATE STATUS REPORT

INMATE NAME	[REDACTED]				PAGE 1 of 3
BOOKING NUMBER	[REDACTED]	HOUSING UNIT	2A	CLASSIFICATION CODE	
HOUSING FACILITY	<input type="checkbox"/> DDF <input type="checkbox"/> EMDF <input type="checkbox"/> GBDF <input type="checkbox"/> LCDF <input type="checkbox"/> SBDF <input checked="" type="checkbox"/> SDCJ <input type="checkbox"/> VDF <input type="checkbox"/> OTHER:				
HOUSING STATUS	<input type="checkbox"/> Pre-Book <input type="checkbox"/> Mainline <input type="checkbox"/> Segregated Housing <input type="checkbox"/> Inmate Worker <input type="checkbox"/> Medical <input type="checkbox"/> Psychiatric <input type="checkbox"/> Special <input type="checkbox"/> Other:				
INCIDENT LOCATION	[REDACTED]		INCIDENT DATE	[REDACTED]	INCIDENT TIME
DOB [REDACTED]	RACE [REDACTED]	SEX [REDACTED]	CHARGES	647 (F) DRUNK IN PUBLIC	
TYPE OF REPORT	<input type="checkbox"/> Chair placement <input checked="" type="checkbox"/> Sobering cell <input type="checkbox"/> Info <input type="checkbox"/> Safety cell <input type="checkbox"/> Segregated housing <input checked="" type="checkbox"/> Use of force <input type="checkbox"/> Other:				
RELATED REPORTS	<input type="checkbox"/> Crime Report <input type="checkbox"/> Arrest Report (Case Number:) <input type="checkbox"/> Rule Violation <input type="checkbox"/> Deputy Report (s)				
CHAIR/ SOBERING CELL / SAFETY CELL	DATE IN	TIME IN	DATE OUT	TIME OUT	

ORIGIN:

On 05-10-03, at about 2200HRS, I was assigned the Intake Control Deputy position at the San Diego Central Jail (SDCJ) when Inmate [REDACTED] had to be forcefully placed into a Detoxification Cell.

BACKGROUND:

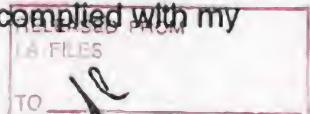
Inmate [REDACTED] (booking # [REDACTED]) was charged with a Drunk in Public. He was brought in by the San Diego Police Department.

DEPUTY'S ACTIONS AND OBSERVATIONS:

I was assisting the Intake Deputies when Deputy R. Brown (4141) told me that one of the inmates in the Felony intake holding cell claimed another inmate was smoking in the cell. I told Brown we would conduct a search of the intake cell and a pat down search of the inmates.

Deputy Allen (0665) and Deputy R. Brown assisted with the search. We removed all of the inmates from the holding cell. I conducted a search of the cell and did not find any contraband.

After clearing the cell, I told all of the inmates to face the wall and place both hands on the wall. While conducting the pat down search of the inmates [REDACTED] began to complain about having to be searched. [REDACTED] said "This is bullshit!" I told [REDACTED] the faster he complied with my instructions the faster he could go back into the cell.



REPORTING DEPUTY	J. CAUZES	ARJIS 344	DATE	TIME
SUPERVISOR APPROVAL		ARJIS	DATE	TIME
WATCH COMMANDER (If required)		ARJIS	DATE	TIME

After all of the inmates had been searched, I told them to remove their shoes. Again [REDACTED] complained about the search. [REDACTED] refused to take his right shoe off. [REDACTED] claimed that an injury prevented him from taking the shoe off. I told [REDACTED] to lift his right foot. [REDACTED] complied with my instructions and I removed the shoe. After all of the inmate's shoes were searched, I told all of the inmates to pick up their shoes and return to the intake holding cell.

[REDACTED] picked up his shoes and said "That's why I'm here for beating up you fucking cops for this bullshit!" I stopped [REDACTED] and tried to explain to him if he continued to behave like this he would be placed into a Detoxification cell until he calmed down enough for the booking process. [REDACTED] said something I could not hear and turned towards me with his arms lifted and his fists clenched.

Based on the [REDACTED] demeanor and actions I felt he was attempting to hit me. I placed [REDACTED] right wrist in a Wrist Flex and guided him towards the wall. Brown took control of [REDACTED] left arm using a Wrist Flex

After placing the Wrist Flex on [REDACTED] wrist Brown and I guided him towards the elevator. While guiding [REDACTED] down the hall he attempted to break free from my grip. I maintained the wrist flex and prevented [REDACTED] from turning around.

After entering the elevator [REDACTED] continued to try to break free of hold. I maintained the hold on [REDACTED] wrist.

We guided [REDACTED] to the #2 Detox cell on the second floor. Nurse [REDACTED] took [REDACTED] vital signs and cleared him for the Detox placement.

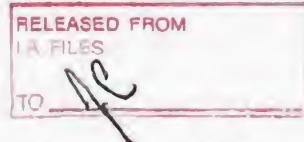
Brown and I guided [REDACTED] to the floor. I told [REDACTED] when Brown released his arm he was to place his hand under his stomach. [REDACTED] complied with my instructions. I told [REDACTED] to cross his legs and he complied. I told [REDACTED] I was going to release his arm and he was to place his hand under his stomach. [REDACTED] complied and I exited the Detox cell without further incident. [REDACTED] had no excess clothing to place into a Detox Locker.

Lt. Jones #1234 was notified of the placement at 2235 hours.

FORCE USED:

Cavazos - Wrist Flex applied to inmates right wrist. The Wrist Flex was used to prevent the inmate from breaking free and turning around.

Brown - Wrist Flex applied to inmates left wrist. The Wrist Flex was used to prevent the inmate from breaking free and turning around.



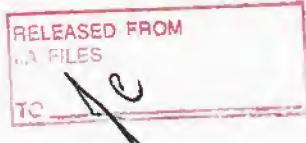
REPORTING DEPUTY	ARJIS	DATE	TIME
SUPERVISOR APPROVAL	ARJIS	DATE	TIME
WATCH COMMANDER (If required)	ARJIS	DATE	TIME

INJURIES:

None.

WITNESSES:

Deputy Brown (4141)
Deputy Allen (0665)



REPORTING DEPUTY		ARJIS	DATE	TIME
SUPERVISOR APPROVAL		ARJIS	DATE	TIME
WATCH COMMANDER (if required)		ARJIS	DATE	TIME

**SAN DIEGO CENTRAL JAIL
PHASE TRAINING
REPORT WRITING TRACKING SHEET**

卷之三

CAVAZOS, JONATHAN

ARRIIS:

3444

TEAM #:

PERIOD	REQUIRED RESULTS	T.O.
REQUIRED PERIOD FOR REPORTS		
Safety Cell Placement	4/9/03	
Sobering Cell Placement	4/5/03	
Found Property	5/18/03	
243 (a) PC Non Injury	06/01/03	
12 or 24 Hour Update	06/24/03	

RELEASER FROM
FBI FILES

2e

PHASE 2	REQUIRED REPORTS	T.O.
REQUIRED PHASE TRAINEE REPORTS		
Incident Report RVR	06/10/03	
Use of Force ISR	05/10/03	
Admin. Discipline Ad. Seg.	04/14/03	
243 (d) PC Serious Injury	05/11/03	
Deputy's Report Use Of Force	04/04/03	
ADDITIONAL REPORTS		
243(d)	R.P.T. ONLY 06-01-03	